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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

JOSEL et al.

Serial Number: 08/776,190



Examiner: J. Ricigliano

Filed: January 24, 1997

Group Art Unit: 1627

For: OLIGOMERIC CARRIER MOLECULES WITH DEFINED INCORPORATED  
MARKER GROUPS AND HAPten

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
Washington, D.C. 20231

May 30, 2000

Sir:

In response to the Office Action dated April 27, 2000, applicants provisionally elect the invention of Group I, claims 72-89, directed to a protein conjugate. This election is made with traverse.

This application is a National Stage Entry of an International (PCT) Application. The rules regarding Unity of Invention as applied to International Applications are applicable to this case. See MPEP §1893.03(d). Under the Unity of Invention rules, applicants are entitled to examination of inventions which relate to a single general inventive concept. Such is the situation at hand.

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MPEP §1893.03(d) states that when the U.S. Patent and Trademark Office is considering a National Stage Entry of a PCT Application, 37 CFR §1.475 (Unity of Invention) will be followed when considering claims of different categories. According to Rule 1.475(b)(3), independent claims are permitted to a product, a process specially adapted for the manufacturer of the product, and a use of the product.

In the present case, claims 72-89 are drawn to a product; claims 90-94 are drawn to the process of preparing the product; and claims 95-99 are drawn to the use of the product. Thus, the product, process of manufacturing the product and use of the product claims are properly examinable together. They relate to a single general inventive concept under the PCT rules.

Further, applicants draw the Examiner's attention to the fact that the subject matter now considered as independent inventions has already been regarded as forming a unitary invention as of November 1999, when an Election Requirement was issued. Thus, applicants do not understand why Unity of Invention is now considered not to exist.

The Examiner also requires an Election of Species in this case. Applicants elect for subspecies A amino acids, for subspecies B hormones and for subspecies C luminescent metal chelates.

Applicants remind the Examiner that if no references are found which anticipates and/or render obvious the chosen species, the Examiner is required to widen his search to embrace more species in applicants' generic invention.

In the event this paper is not timely filed, applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 01-2300, along with any other additional fees which may be required with respect to this paper.

Respectfully submitted,  
**Arent Fox Kintner Plotkin & Kahn**



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**Atty. Docket No. P100564-07002**

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RJB:ccd